

REMARKS

Claims 30 and 39 have been amended to emphasize that the venting channels formed by the mesh are capable of providing venting between the first and second layers.

Applicants wish to thank Examiner Chaney for the courteous personal interviews on May 4 and 28, 2004 at which the art of record and the claims were discussed. The Examiner indicated she would consider claims amended in the manner presented above.

Claims 30-34 and 39 are rejected under 35 U.S.C. §102(e) as being anticipated by Herrmann et al U.S. 6309546. The structure disclosed in Herrmann et al is a filtering device. Filtering devices do not provide venting channels for venting a component or phase between filtering layers. Hence the structure taught by Hermann neither anticipates nor renders obvious the claimed invention.

Accordingly a Notice of Allowance of Claims 30-37 and 39 is requested.

Applicants request a two month extension of time to June 15, 2004 to respond to the Office Action. The Commissioner is authorized to charge the required extension fees, and any other required fees associated with this application, and to credit any overpayment, to Deposit Account No. 501348. This page is submitted in duplicate.

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Respectfully submitted,

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Date

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Attachment A

Claims 1-29. (Cancelled)

30. (Currently amended) Construction comprising at least two metallic layers wherein a first metallic layer, sensitive to hydrogen embrittlement, is joined to a second metallic layer, and wherein a mesh, providing venting channels between said first and second metallic layers, is physically attached to, and in between, said first and second metallic layers, and wherein said venting channels are capable of providing venting between said first and second metallic layers.

31. (Previously Presented) Construction according to claim 30, wherein a third metallic layer is joined to, and in between, said first and second metallic layer, and wherein the mesh, is joined to, and in between, the second and the third metallic layers.

32. (Previously Presented) Construction according to claim 31 wherein a fourth metallic layer is joined to, and in between, the third and the first metallic layers.

33. (Previously Presented) Construction according to claim 30 wherein the channels formed have a diameter from about 0.01 μm to about 1000 μm .

34. (Previously Presented) Construction according to claim 30 wherein the first metallic layer is selected from the group consisting of Ti, Zr, Nb, Ta and alloys thereof.

35. (Previously Presented) Construction according to claim 31 wherein the first, the third, and the second layers form an anode, an intermediate layer, and a cathode providing a bipolar electrode.

36. (Previously Presented) Construction according to claim 31 wherein the hydrogen permeability is lower in the third layer than in the second layer.

37. (Previously added) Electrochemical cell characterized in that it comprises an electrode as defined in claim 35.

38. (Cancelled).

39. (Currently Amended) A construction for ventilation of hydrogen gas, obtained by a method comprising joining a first metallic layer, sensitive to hydrogen embrittlement, to a second metallic layer, and interposing therebetween said layers and physically attaching thereto, a mesh, said mesh forming venting channels for ventilation of hydrogen gas, and wherein said venting channels are capable of providing venting between said first and second metallic layers.